

From: (b) (6)
Sent: Thursday, August 09, 2012 11:07 AM
To: Peak.Nicholas@epa.gov
Subject: Rim Fire Ranch - Discharge into Canal & Sand Hollow Creek

Nick,

Per our phone conversation, please find attached files noting the lagoon discharge from Rim Fire Ranch into Sand Hollow Creek & Emmett Irrigation Canal. The H2O test note the canal H2O before Rim Fire Ranch is 30 MPN/100 mL. H2O test downstream of this facility is 770 MPN/100 mL.

The acceptable levels of E Coli for edible portions of the crop when contacted by water is:
Acceptable Criteria: Single Sample: less than or equal to 235 MPN/100 mL
Acceptable Criteria: Geometric mean of 5 samples: less than or equal to 126 MPN/100 mL

Our Organic Table Grapes use overhead irrigation and have contact with irrigation H2O and we are concerned of E Coli contamination from this facility.

Thank you in advance for all of your help. Please do not hesitate to call if you have any questions.

(b) (6)

WESTERN LABORATORIES, INC.

P.O. Box 1020 • 211 Highway 95 • Parma, ID 83660
800-658-3858 • FAX 208-722-6550 www.westernlaboratories.com

Irrigation Water Analysis Report

Dealer No: SLFA

Name: (b) (6)

Lab No: 30662

Date: 8-7-12

SV #:

Field ID: Sandhallow creek at Jones\

Grower: Gregory Kambish

Test ID:

Interpretation of Irrigation Water Test

TEST	YOUR ANSWERS	ANSWER INTERP	POUNDS/ AC. FT.	HAZARDS		
				LOW	MEDIUM	HIGH
pH				6.5 - 8.4	5.5 - 6.4	< 5.5
EC*				0 - 0.75	0.76 - 3.0	3.1+
Calcium				< 75	75 - 150	151+
Magnesium				< 35	36 - 75	76+
Sodium				0 - 40	41 - 68	> 69
Sulfur				< 15	16 - 45	46+
Boron				< 0.5	0.5 - 1.5	> 1.6
Nitrate				0 - 5	6 - 10	11+
Phosphorus				0 - 0.5	0.51 - 1.0	1.1+
Potassium				< 10	11 - 25	26+
Zinc				0 - 0.3	0.2 - 0.4	0.5+
Manganese				0 - 0.5	0.6 - 1.0	1.1
Iron				0 - 3	3.0+	
Copper				< 0.1	0.1 - 19	0.2 +
Chloride				0 - 100	101 - 140	141+
Carbonates				0 - 85	86 - 450	451+
SAR**				1 - 1.5	1.6 - 2.1	> 2.2
Salmonella			MPN/100 ml			
Total Coliform	> 2420	HIGH	MPN/100 ml	< 1	1 - 500	> 500
E Coli	770	HIGH	MPN/100 ml	< 1	1 - 126	> 126
Enterococcus			MPN/100 ml	< 1	1 - 60	> 61

*Electrical Conductivity

**Sodium Absorbance Ratio

John P. Taberna, Soil Scientist

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P.O. Box 1020 • 211 Highway 95 • Parma, ID 83660
800-658-3858 • FAX 208-722-8550 www.westernlaboratories.com

Irrigation Water Analysis Report

Dealer No: SLFA

Lab No: 30664

Date: 8-7-12

Name: (b) (6)

SV #:

Field ID: (b) (6) head gate

Grower: (b) (6)

Test ID:

Interpretation of Irrigation Water Test

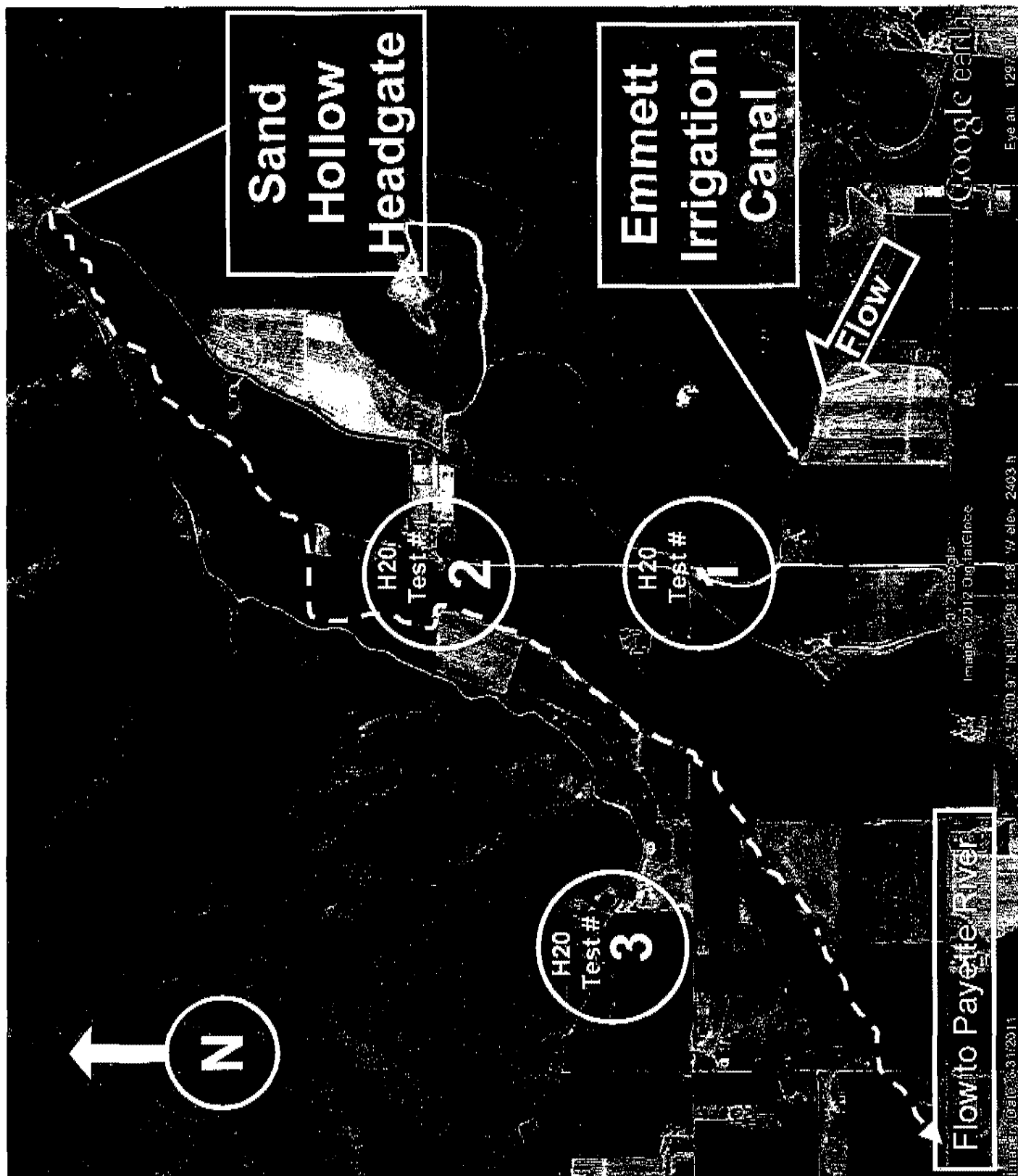
TEST	YOUR ANSWERS	ANSWER INTERP	POUNDS/ AC. FT.	HAZARDS		
				LOW	MEDIUM	HIGH
pH				6.5 - 8.4	5.5 - 6.4	< 5.5
EC*				0 - 0.75	0.76 - 3.0	3.1+
Calcium				< 75	75 - 150	151+
Magnesium				< 35	36 - 75	76+
Sodium				0 - 40	41 - 68	> 69
Sulfur				< 15	16 - 45	46+
Boron				< 0.5	0.5 - 1.5	> 1.6
Nitrate				0 - 5	6 - 10	11+
Phosphorus				0 - 0.5	0.51 - 1.0	1.1+
Potassium				< 10	11 - 25	26+
Zinc				0 - 0.3	0.2 - 0.4	0.5+
Manganese				0 - 0.5	0.6 - 1.0	1.1
Iron				0 - 3	3.0+	
Copper				< 0.1	0.1 - 19	0.2 +
Chloride				0 - 100	101 - 140	141+
Carbonates				0 - 85	86 - 450	451+
SAR**				1 - 1.5	1.6 - 2.1	> 2.2
Salmonella			MPN/100 ml			
Total Coliform	1553	HIGH	MPN/100 ml	< 1	1 - 500	> 500
E Coli	54	MEDIUM	MPN/100 ml	< 1	1 - 126	> 126
Enterococcus			MPN/100 ml	< 1	1 - 60	> 61

*Electrical Conductivity

**Sodium Absorbnsion Ratio

John P. Taberna, Soil Scientist

(A)



From: (b) (6)
Sent: Friday, August 09, 2013 7:40 AM
To: (b) (6)
Subject: RE: EPA Visit, 8-9-13

(b) (6)

Thank you for your support. Mr. Brian Byrd w/ EPA Criminal Investigation Division -- Boise office would like to meet & conduct a separate interview w/ you regarding the continual discharge from Mr. Jones CAFO.

I or Mr. Byrd will contact you by 11:00 to let you know the details. Please feel free to call me on my cell if needed - - (b) (6)

Thanks again for your help,

(b) (6)

Bryan Byrd - - EPA Criminal Investigation Division
Byrd.Bryan@epamail.epa.gov
208.378.6516 office
208.340.5698 mobile

From: (b) (6)
Sent: Friday, August 09, 2013 6:36 AM
To: (b) (6)
Subject: EPA Visit, 8-9-13

Hi (b) (6)

It is my understanding that you are a contact for an EPA visit today regarding the dairy discharge into the Sand Cr. drain. If it would help, I'd be happy to show the EPA rep. the lower end of the drain where it empties into the Payette R and describe what the discharge looked like down here. My cell phone is (b) (6) call if I can help. Thanks, (b) (6)

(b) (6)

From: (b) (6)
Sent: Thursday, November 08, 2012 11:39 PM
To: 'Nicholas Peak'
Subject: RE: Rim Fire Ranch - Discharge into Canal & Sand Hollow Creek

Nick,
Did you have nay luck on following up with this?

(b) (6)

From: Nicholas Peak [mailto:Peak.Nicholas@epamail.epa.gov]
Sent: Wednesday, August 29, 2012 11:33 AM
To: (b) (6)
Subject: RE: Rim Fire Ranch - Discharge into Canal & Sand Hollow Creek

Hi (b) (6),

Due to my inability to get out there and take a look, I spoke that same day with John Bilderback at ISDA to see if they could take a look and take some samples. I haven't heard back from John yet so I'll give him a call today.

Give me a call if you have any additional questions.

Nick Peak
EPA, Region 10
Idaho Operations Office
208-378-6765

(b) (6) 08/29/2012 11:14:59 AM—Nick,

From: (b) (6)
To: Nicholas Peak/R10/USEPA/US@EPA
Date: 08/29/2012 11:14 AM
Subject: RE: Rim Fire Ranch - Discharge into Canal & Sand Hollow Creek

Nick,

Any news on this?

(b) (6)

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Sent: Thursday, August 09, 2012 11:07 AM
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Our Organic Table Grapes use overhead irrigation and have contact with irrigation H2O and we are concerned of E Coli contamination from this facility.

From: Peak, Nicholas [mailto:Peak.Nicholas@epa.gov]
Sent: Wednesday, April 03, 2013 8:53 AM
To: (b)
Subject: RE: Follow up on previous complaints

Yes, we do have teeth in these situations. The problem is a CAFO must discharge from their production area or land application area for us to require them to get a permit, but we can inspect at any time if we suspect that discharges are or will occur.

I will admit, this facility has been on our radar for a long time and we continue to monitor the situation.

Nick Peak
EPA, Region 10
Idaho Operations Office
208-378-5765

From: (b) (6)
Sent: Wednesday, April 03, 2013 8:50 AM
To: Peak, Nicholas
Subject: RE: Follow up on previous complaints

Nick,

No problem – I will keep you in the loop.

I am curious – If ISDA does NOT investigate - - what choice do we have??? When a CAFO has H2O test of 30mg/L EColi going into their property & 2000+ mg/L EColi going out of their property.

Does EPA have any teeth on this situation?

(b)

From: Peak, Nicholas [mailto:Peak.Nicholas@epa.gov]
Sent: Wednesday, April 03, 2013 8:32 AM
To: (b)
Subject: RE: Follow up on previous complaints

(b)

Thanks for the information. I had heard through the grapevine that the facility on Silver Leaf Road was closing, I didn't know that ISDA would do further investigation. If you take tests, can you send those to me as well in an email? No obligation, I'm just interested in what's being found.

Thanks again for the information.

Unfortunately, Mr. Jones attempt to stop the broken water main leak has failed and in addition to the items noted below, the water now continues to flow through the manure saturated lot and is currently discharging into the ditch located @ the West entrance of the CAFO.

The neighbors & community would appreciate your help in resolving this issue. Additionally, I would appreciate a response from you no later than 6 PM today with a time frame when the discharge of manure waste onto the road and into the ditch will stop.

Thank you in advance for your prompt response.

(b) (6)

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On Tue, Mar 12, 2013 at 12:49 PM, John Hepton (b) (6) wrote:
They got the leaked stopped and Terry Jones agrees that it is really his problem and not ours but we are watching it. Legally we can't spread the manure lagoon pond until after march 15 or 17 so we will once we can. Manure trucks will be taking the solid manure in a week or so to corn fields and it will all be gone.

Sent from my iPhone

On Mar 12, 2013, at 10:31 AM, (b) (6) wrote:

John Hepton,

Thank you for your prompt response to fixing the water main leak. The neighbors & community remain concerned about the environmental and health issues related to the potential for additional discharge of manure waste into the canal and onto the roadway.

Please address the following issues and respond no later than Tuesday 6 PM with time of completion and your action(s) that you perform in order to eliminate further discharge of manure, waste and liquids onto the road and into the canal:

1 – Holding pen – Corral continues to discharge beyond the fenced area and onto the road.

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Idaho Operations Office
208-378-5765

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Date: 08/29/2012 11:14 AM
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Thanks again for the information.

Nick Peak
EPA, Region 10
Idaho Operations Office
208-378-5765

From: (b) (6)
Sent: Tuesday, April 02, 2013 8:27 PM
To: Peak, Nicholas
Subject: RE: Follow up on previous complaints

Nick,
The North Canal (Emmett Irrigation District) started Monday & we finally got H2O @ our property this afternoon. I think the South canal started a couple weeks ago. The south canal feeds all the way to Parma.

Regarding Sandy Ave. CAFO – Through a PRR & conversation w/ Marv Patton; "He will do further investigation" if we have 3 consecutive weeks of high EColi H2O test downstream of the CAFO. Now that the H2O is flowing we will start our tests.

Regarding Silver Leaf CAFO – The last of the animals were removed on 2-14-13. It looks like the last of the Calf hutches will be gone by the end of this week. John Hepton stated a "business decision" for reason leaving.

Unfortunately, this mismanaged CAFO had a discharge onto Silverleaf Road and into the ditch on 3-12-12 - - See correspondence below.

Hope this helps.

Best,

(b) (6)

From: (b) (6)
Sent: Wednesday, March 13, 2013 9:44 AM
To: 'jbilderback@agri.idaho.gov'
Cc: Marv Patten - Bureau Chief (mpatten@agri.idaho.gov)
Subject: FW: SilverLeaf - Emmett Calf CAFO

John Bilderback, P.E., Section Manager ISDA -

Dear Mr. John Bilderback,

Thank you for taking the time to talk with me yesterday and agreeing to talk with Mr. Jones regarding taking corrective action(s) to stop the manure/waste discharge onto the road & into the ditch.

Unfortunately, Mr. Jones attempt to stop the broken water main leak has failed and in addition to the items noted below, the water now continues to flow through the manure saturated lot and is currently discharging into the ditch located @ the West entrance of the CAFO.

The neighbors & community would appreciate your help in resolving this issue. Additionally, I would appreciate a response from you no later than 6 PM today with a time frame when the discharge of manure waste onto the road and into the ditch will stop.

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Thank you in advance for your prompt response.

(b) (6)

[REDACTED]

[REDACTED]

From: Peak, Nicholas [mailto:Peak.Nicholas@epa.gov]

Sent: Tuesday, April 02, 2013 10:15 AM

To: [REDACTED]

Subject: Follow up on previous complaints

Hi (b)

I hope all is well up there in the valley. I was emailing quickly to see if you could do me a favor? I am trying to time a few things on when the irrigation ditches start filling up in your neck of the woods. Could you let me know when the irrigation ditch nearest your property starts flowing and folks start irrigating up there? I'd appreciate any information you could give me, but please do not feel obligated to do so.

Thanks,
-Nick

Nick Peak
EPA, Region 10
Idaho Operations Office
208-378-5765



STATE OF IDAHO



C. L. "BUTCH" OTTER
GOVERNOR
CELIA R. GOULD
DIRECTOR

December 11, 2012

(b) (6)

Dear (b) (6)

On December 6, 2012, the Idaho State Department of Agriculture, Dairy Bureau, received your email request for "all records past and pending;...ISDA Inspections, EPA request...EPA communications, complaints, applications and permits...Terry Jones, John Hepton, Megan Wells, Rim Fire Ranch, Emmett Calve Ranch, Hepton Livestock LLC...."

On December 11, 2012, I spoke to your regarding your request. You indicated you would like to modify your request.

Enclosed please find the information you requested.

	DATE	INFORMATION	NUMBER OF PAGES
1.	8/12	Email w/ attachments of Lab Results, and Google Map	6
2.	10/26/12	Livestock Waste Inspection Report	1
3.	11/9/12	Lab Result	1
TOTAL			8

If you have any questions, please call.

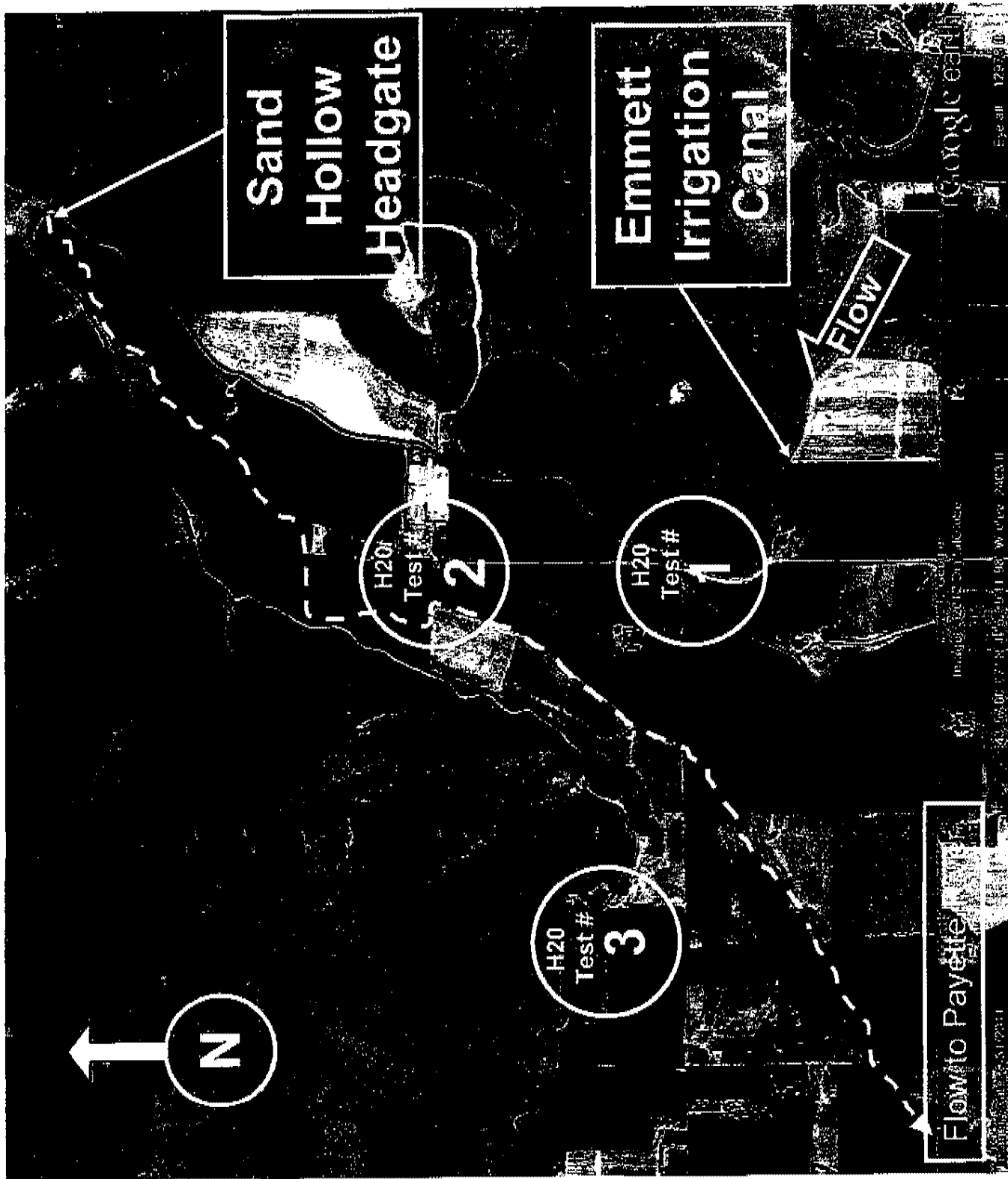
Sincerely,

Marv Patten, Chief
Dairy & CAFO Bureau
Idaho State Department of Agriculture

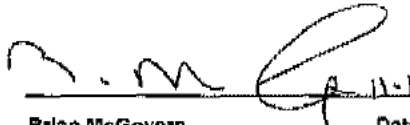
Certificate of Mailing:

I hereby certify that the original of this letter was deposited in the United States mail, postage prepaid, this 11th day of December, 2012.

Martha Walbey
Administrative Assistant



SAMPLE TYPE CODE E - Routine Sample P - Repeat sample (at original tap) E - Enforcement (chain of custody) U - Upstream repeat D - Downstream repeat X - Other Repeat W - Untreated V - Invalidated by Lab C - Construction / Special	ANALYTICAL LABORATORIES, INC. ID00020 1804 N. 33rd Street Boise, Idaho 83703 1-800-574-5773 1-208-342-5515 www.analyticallaboratories.com		
	Public Water Supply	Private Water Supply	Other _____
NAME OF WATER SYSTEM SAGE DAIRY		COUNTY GEM	PWS ID SL-271
REPORT RESULTS TO: DAIRY BUREAU IDAHO DEPT OF AGRICULTURE P O BOX 790 BOISE, ID 83701-0790		DATE RECEIVED 11/9/2012	
		TIME RECEIVED 8:03	
		DATE ANALYZED 11/9/2012	
		TIME ANALYZED 14:00	
SEND ADDITIONAL COPIES TO:		IF RETEST, ORIGINAL SAMPLE DATE	
e-mail:			
Phone (208) 332-8550	Ext	Fax (208) 334-4062	CHILLED 10 C <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
COLLECTED BY: L MASMEYER		TRANSPORTED BY: L MASMEYER	
SAMPLE TYPE	COLLECTION DATE/TIME	Sampling Location	C/ res
			TOTAL COLIFORMS SM 9223
			E. COLI SM 9223
			HPC SM 9215
S	11/8/2012 9:20	LAB# 1235231 SAGE DAIRY SWEETWATER TANK	ABSENCE
			ABSENCE

REMARKS:		ANALYST: LM DATE PRINTED: 11/10/2012	
ANALYTICAL METHODS <u>Total Coliforms</u> SM 9222 Membrane Filter Technique, Parts 909 and 909A, Standard Methods... 18th ed., 1995 SM 9221 Multiple Tube Fermentation, Parts 903 and 908A, and 908B, Standard Methods... 18th ed., 1995 SM 9223 MMC-MUG Test Per 40 CFR 141.21 (f)(3)(iv)		<u>E. coli</u> MUG Test Per 141.214(x)(7) and 40 CFR 141.21 (f)(5)(iii) <u>HPC</u> Pour Plate, Part 907, Standard Methods... 18th ed., 1	
Records shall be retained and destroyed in accordance with IDAPA 58.01.08 and 40 CFR 141.33. In general, records shall not be retained beyond prescribed retention times.		Analytical Laboratories, Inc.  Brian McGovern Date Laboratory Supervisor	

From: (b) (6)
Sent: Thursday, July 18, 2013 1:46 PM
To: 'marv.patten@agri.idaho.gov'
Cc: 'commissioners@co.gem.id.us'; 'clerk@co.gem.id.us'
Subject: Discharge from Jones CAFO

Thursday, July 18, 2013

Idaho State Department of Agriculture
2270 Old Penitentiary Road
Boise, ID 83712

Attn: Marv Patten, Bureau Chief

Dear Mr. Marv Patton,

Please use this email as a formal request to stop Mr. Terry Jones from discharging CAFO manure waste into Sand Hollow creek / drain located in Emmett Idaho.

7-18 2013 – 09:00 - I observed the following:

- 1 – PVC siphon or pump pipes going from the lagoon directly into a retention pond down stream. (b) (6) also observed the siphon pipes on Wednesday July 17th & Thursday AM July 18th.
- 2 – The liquid level within the lagoon continues to decrease.
- 2 – The lagoon appears to be in the process of emptying into the retention pond.
- 3 – The retention pond is actively flowing onto neighboring properties and into the Payette River.
- 4 – The discharge liquid is dark brown and smells of manure / lagoon waste.
- 5 – Two water samples were collected and sent to Idaho Bureau of Laboratories – **See attached form.**
- 6 – I have requested Idaho Bureau of Laboratories send you a copy of the test results.
- 7 - Sample # 1 – Emmett Irrigation District canal – Location: Kipper Head gate - Before entering Mr. Jones CAFO. **Color: Clear, Smell: None**
- 8 - Sample # 2 – Sand Hollow Creek / Drain – Location: 20' into Kipper property where the discharge flows from Mr. Jones lagoon /

pond. **Color: Brown, Smell: Manure / animal waste.** See attached Pictures

7-18-2013 – 13:00 - I observed the following:

- 1 – PVC Siphon pipes are no longer linking the lagoon and retention pond.
- 2 – The PVC Siphon pipes were removed between the hours of 09:00 & 13:00 on 7-13-2013.
- 3 – No liquid within the lagoon can be observed.

Discharge from this facility creates a Public Health Safety hazard, violates the CWA and continues even though I have previously contacted your agency regarding this matter.

Your help in taking immediate action to stop the discharge from this facility would be greatly appreciated.

Thank you in advance for your help in resolving this issue.

(b) (6)



Cc:

Gem County Commissioners

Gem County Clerk

Nick Peak – EPA Region 10 CAFO enforcement

Danielle Diamond – Attorney ICCAW, Executive director SRAP

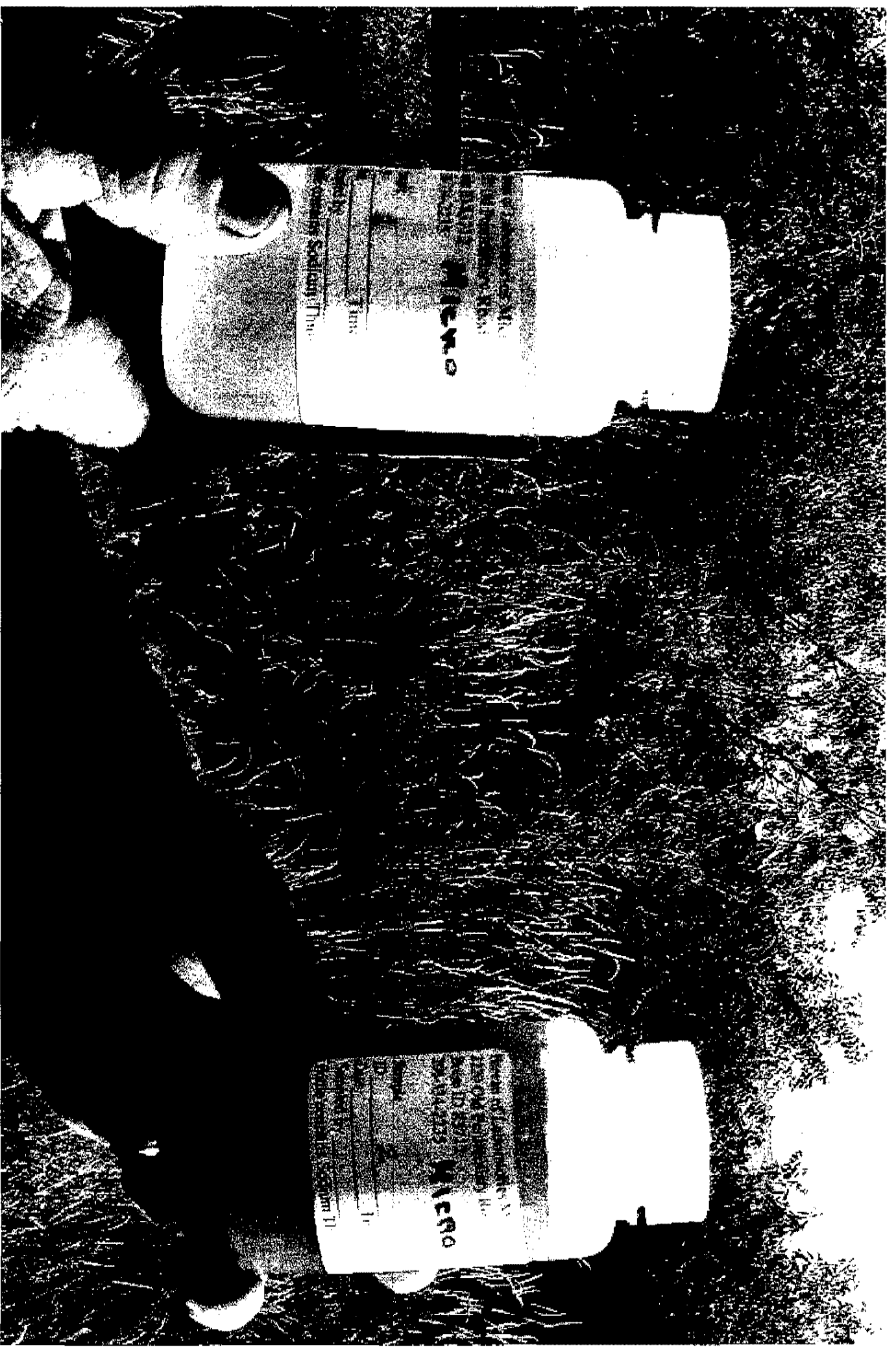
KATHY J. MARTIN, PE - *Environmental Engineer*

Charlie Tebbutt – Attorney

John Bilderback, P.E. – ISDA Section Manager

(b) (6)





From: (b) (6)
Sent: Monday, July 22, 2013 12:14 PM
To: 'Marv Patten'
Cc: 'commissioners@co.gem.id.us'; 'clerk@co.gem.id.us'; 'Potokar, Steven'
Subject: RE: Discharge from Jones CAFO

Marv,

Thank you for following up on lagoon waste discharge into Sand Hollow Creek drain.

I don't understand the action(s) that Mr. Jones is currently doing. What value is it to be pumping the lagoon directly into his adjacent corn field and then have it flow back into the retention pond and then back into Sand Hollow creek drain?

I observed this morning the following (see attached file):

- 1 – Trash pump pumping the lagoon waste directly into Mr. Jones adjacent corn field.
- 2 – Several feet of lagoon waste liquid submerging the corn.
- 3 – A "fresh" repaired breach in the earth wall separating the corn field from the lagoon.
- 4 – Active flow from Mr. Jones retention pond into Sand Hollow creek drain.

Do you need me to continue with the water samples? Can we be assured that your office/ agency will continue to monitor this situation?

Again, thank you for you prompt response to the lagoon waste discharge issue from Mr. Jones Sandy Ave CAFO.

(b) (6)

From: Marv Patten [mailto:Marv.Patten@agri.idaho.gov]
Sent: Monday, July 22, 2013 6:00 AM
To: (b) Potokar.Steven@EPA.gov
Cc: commissioners@co.gem.id.us; clerk@co.gem.id.us
Subject: RE: Discharge from Jones CAFO

(b) (6)

ISDA has responded to your complaint. We are in the process of compiling information obtained regarding the situation. It would be inappropriate to discuss details at this time other than to state your complaint had merit. Thanks for understanding. Marv

From: (b) (6)
Sent: Friday, July 19, 2013 8:37 AM
To: Potokar.Steven@EPA.gov
Cc: commissioners@co.gem.id.us; clerk@co.gem.id.us; Marv Patten
Subject: Discharge from Jones CAFO

EPA - Region 10
1200 6th Ave., Suite 900
Seattle, WA. 98101

Attn: Steven Potokar - Office of Compliance and Enforcement –

Dear Mr. Potokar,

I have previously discussed this ongoing issue with Nick Peak from your Boise office but understand he is on leave at this time. EPA records should note that I filed a complaint regarding discharge from this facility on Thursday, August 09, 2012.

I have received no response from Gem County Idaho officials or Idaho State Department of Agriculture at this time. Do you have anyone else who may be able to help with this issue?

Thank you in advance for your help.

(b) (6)

----- Forwarded message -----

From: (b) (6)
Date: Thu, Jul 18, 2013 at 1:46 PM
Subject: Discharge from Jones CAFO
To: marv.patten@agri.idaho.gov
Cc: commissioners@co.gem.id.us, clerk@co.gem.id.us

Thursday, July 18, 2013

Idaho State Department of Agriculture
2270 Old Penitentiary Road
Boise, ID 83712

Attn: Marv Patten, Bureau Chief

Dear Mr. Marv Patton,

Please use this email as a formal request to stop Mr. Terry Jones from discharging CAFO manure waste into Sand Hollow creek / drain located in Emmett Idaho.

7-18 2013 – 09:00 - I observed the following:

- 1 – PVC siphon or pump pipes going from the lagoon directly into a retention pond down stream. (b) (6) also observed the siphon pipes on Wednesday July 17th & Thursday AM July 18th.
- 2 – The liquid level within the lagoon continues to decrease.
- 2 – The lagoon appears to be in the process of emptying into the retention pond.
- 3 – The retention pond is actively flowing onto neighboring properties and into the Payette River.
- 4 – The discharge liquid is dark brown and smells of manure / lagoon waste.
- 5 – Two water samples were collected and sent to Idaho Bureau of Laboratories – **See attached form.**
- 6 – I have requested Idaho Bureau of Laboratories send you a copy of the test results.

7 - Sample # 1 – Emmett Irrigation District canal – Location: Kipper Head gate - Before entering Mr. Jones CAFO. **Color: Clear, Smell: None**

8 - Sample # 2 – Sand Hollow Creek / Drain – Location: 20' into Kipper property where the discharge flows from Mr. Jones lagoon / pond. **Color: Brown, Smell: Manure / animal waste.** ***See attached Pictures***

7-18-2013 – 13:00 - I observed the following:

- 1 – PVC Siphon pipes are no longer linking the lagoon and retention pond.
- 2 – The PVC Siphon pipes were removed between the hours of 09:00 & 13:00 on 7-13-2013.
- 3 – No liquid within the lagoon can be observed.

Discharge from this facility creates a Public Health Safety hazard, violates the CWA and continues even though I have previously contacted your agency regarding this matter.

Your help in taking immediate action to stop the discharge from this facility would be greatly appreciated.

Thank you in advance for your help in resolving this issue.

(b) (6)
[Redacted]
[Redacted]
[Redacted]
[Redacted]

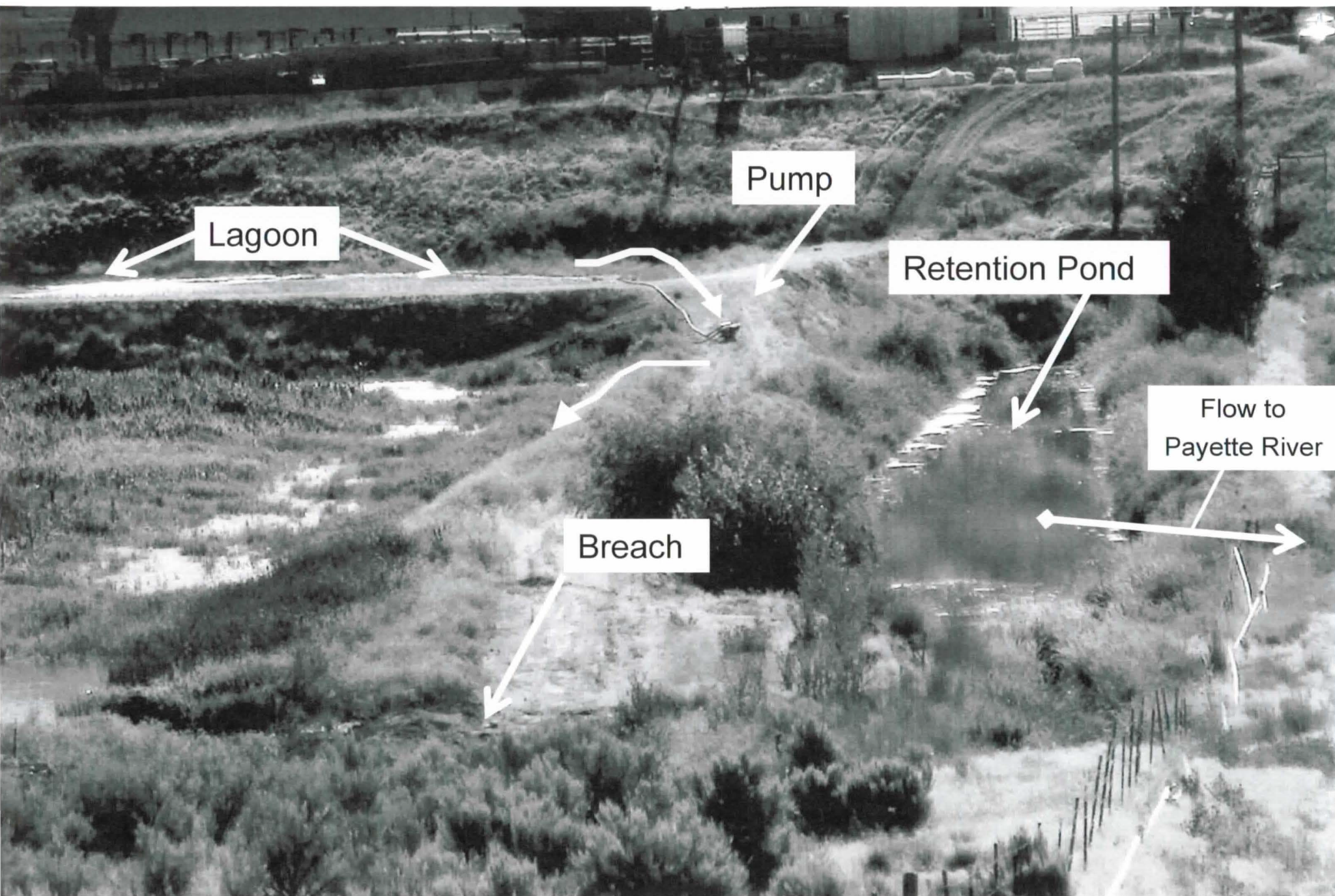
Cc:

- Gem County Commissioners
- Gem County Clerk
- Nick Peak – EPA Region 10 CAFO enforcement
- Danielle Diamond – Attorney ICCAW, Executive director SRAP
- KATHY J. MARTIN, PE - *Environmental Engineer*
- Charlie Tebbutt – Attorney
- John Bilderback, P.E – ISDA Section Manager

(b) (6)
[Redacted]



Sandy Ave. CAFO 7-22-2012 10:00



Sandy Ave. CAFO 7-22-2012 10:00



Sandy Ave. CAFO 7-22-2012 10:00

Pumping Lagoon waste into corn field

From: (b) (6)

Sent: Thursday, August 01, 2013 8:57 AM

To: 'Marv Patten'

Subject: FW: 0008 -- H2O Test results 8-26-13 // Sage Dairy continues to discharge into Sand Hollow Creek

Marv,

Thank you for your conversation this morning. Please find enclosed August 26 2013 H2O test, pictures noting the cross-contamination & Sand Hollow Stream Flow Alteration.

Also, per our phone conversation, would you please check into the historic well water & isotopic test which ISDA has completed since 1999 for Mr. Jones & (b) (6)

Thanks again for your help.

(b) (6)

Sorry -- but no good news -- See attached 8-26-13 test results)

Sage Dairy continues to discharge into Sand Hollow Creek

H2O going into SAGE DAIRY:

E. coli -- 40.4

Coliform -- 7269.9

H2O coming out of SAGE DAIRY:

E. coli -- 2559.3

Coliform -- > 241,960

Please also see attached Pictures # 4-7

1 - Non-compacted Earth Dike

2 -- Dead Corn where the manure was previously discharged into.

(b) (6)



IDAHO DEPARTMENT OF
HEALTH & WELFARE

Idaho Bureau of Laboratories

Christopher L. Ball, Ph.D, HCLD (ABB)
Laboratory Director
EPA Lab ID00018
CLIA Certified Lab

2220 Old Penitentiary Road
Boise, Idaho 83712
Phone: (208)334-2235
www.statelab.idaho.gov

Workorder: E130700241 072613

ANALYTICAL RESULTS

Chemistry samples are disposed of after 60 days unless the laboratory is notified otherwise.

Lab ID: E130700241-001 Date Received: 7/26/2013 16:29 Matrix: Water
Sample Sandy Lane (N canal) Date Collected: 7/26/2013 09:20
Location: Kambish, Greg

-- Microbiological --

Parameters	Results	Units	Analyzed	By	Qual
Preparation Method: SM 9223B-QT-CT					
Analytical Method: SM 9223B-QT-CT					
Total Coliform	7269.9	MPN/100mL	7/26/2013	AM	
<i>E. coli</i>	40.4	MPN/100mL	7/26/2013	AM	

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Workorder: E130700241 072613

ANALYTICAL RESULTS

Chemistry samples are disposed of after 60 days unless the laboratory is notified otherwise.

Lab ID: E130700241-002 Date Received: 7/26/2013 16:29 Matrix: Water
Sample Sand Hollow Creek Date Collected: 7/26/2013 09:25
Location: Kambish, Greg

-- Microbiological --

Parameters	Results	Units	Analyzed	By	Qual
Preparation Method: SM 9223B-QT-CT					
Analytical Method: SM 9223B-QT-CT					
Total Coliform	>241,960	MPN/100mL	7/26/2013	HT	
<i>E. coli</i>	2559.3	MPN/100mL	7/26/2013	HT	

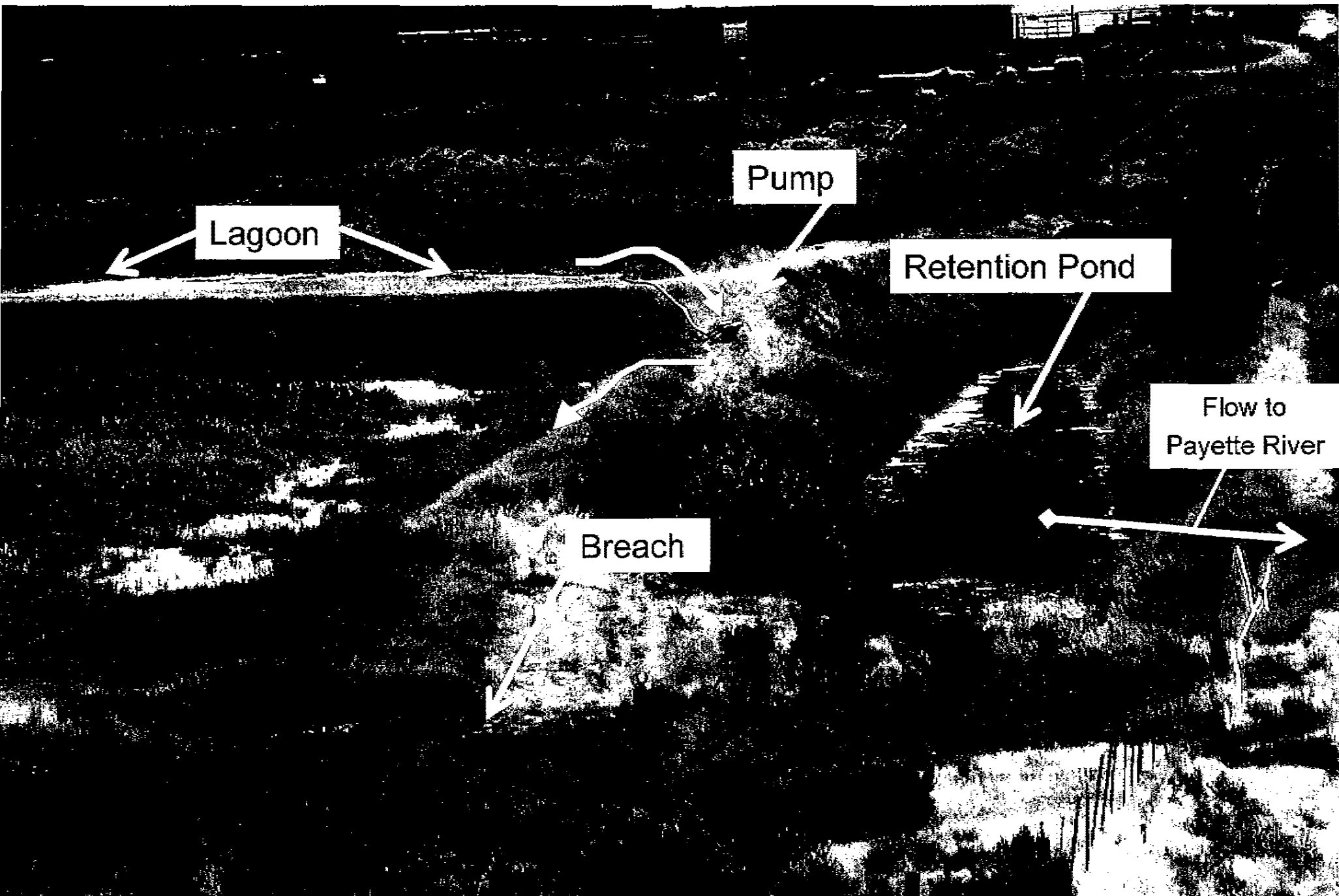
CERTIFICATE OF ANALYSIS

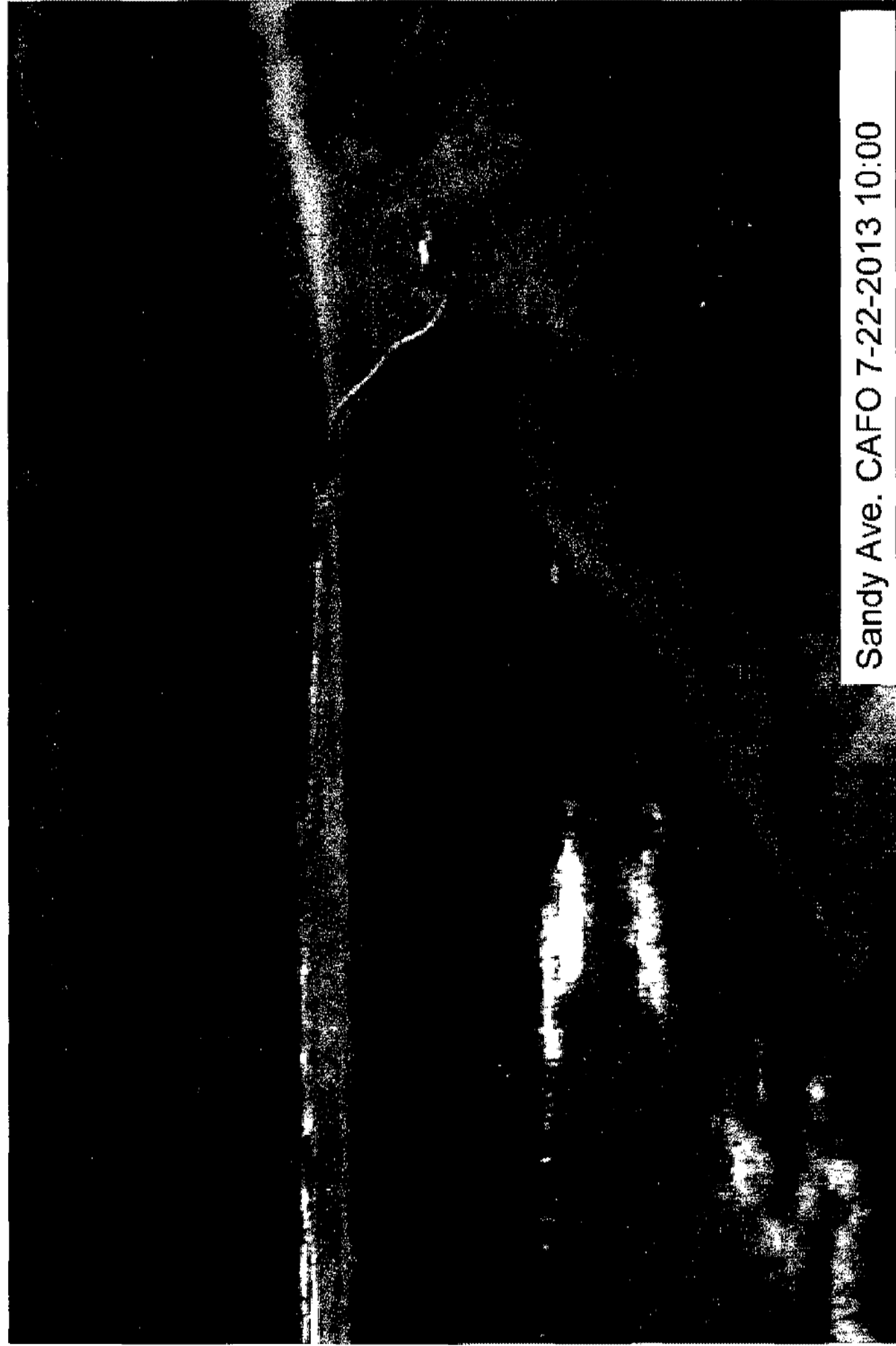
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Exhibit # 0001

Sandy Ave. CAFO 7-22-2013 10:00

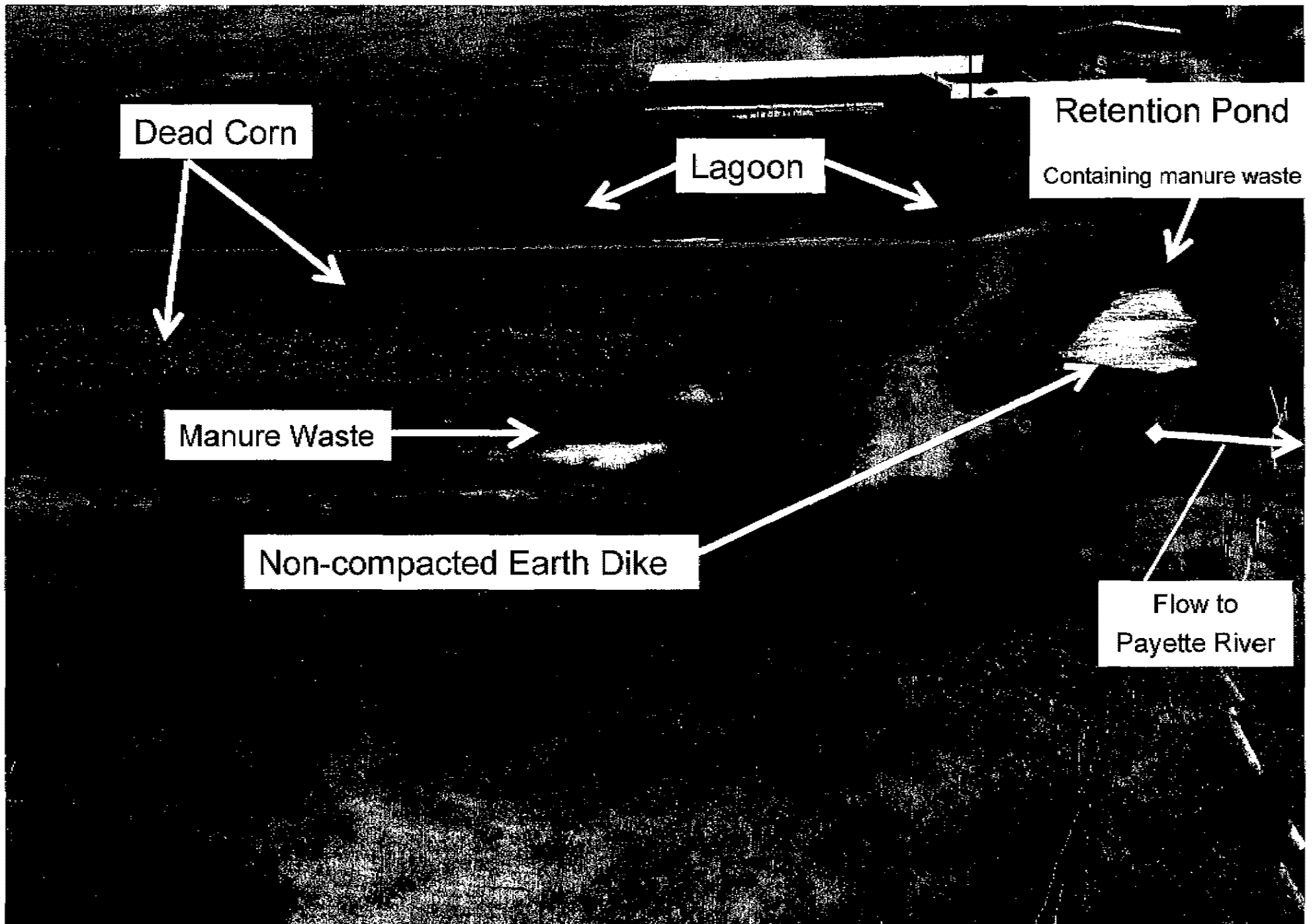




Sandy Ave. CAFO 7-22-2013 10:00

Exhibit # 0003

Pumping Lagoon waste into corn field



Dead Corn

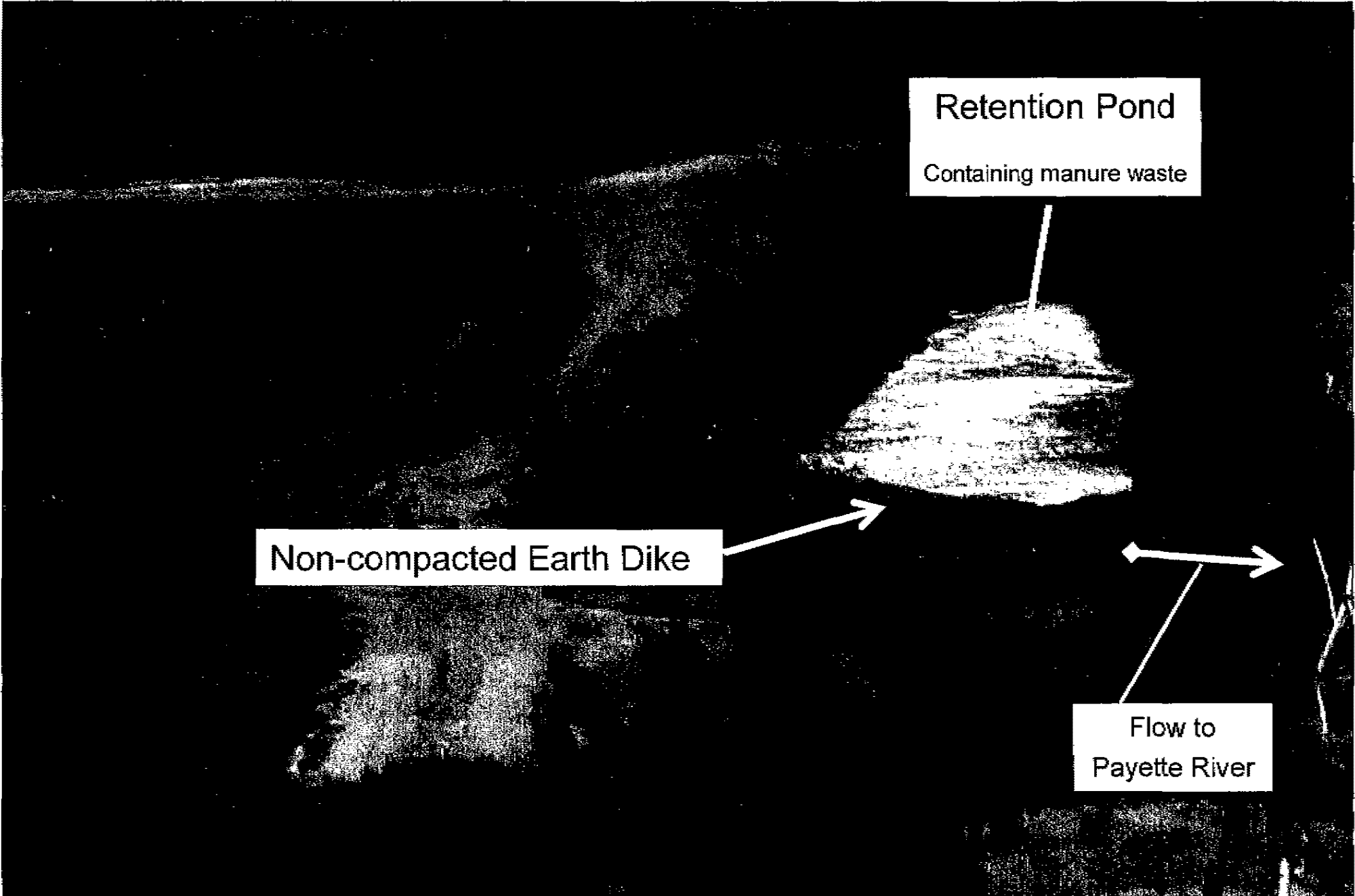
Lagoon

Retention Pond
Containing manure waste

Manure Waste

Non-compacted Earth Dike

Flow to
Payette River



Retention Pond
Containing manure waste

Non-compacted Earth Dike

Flow to
Payette River

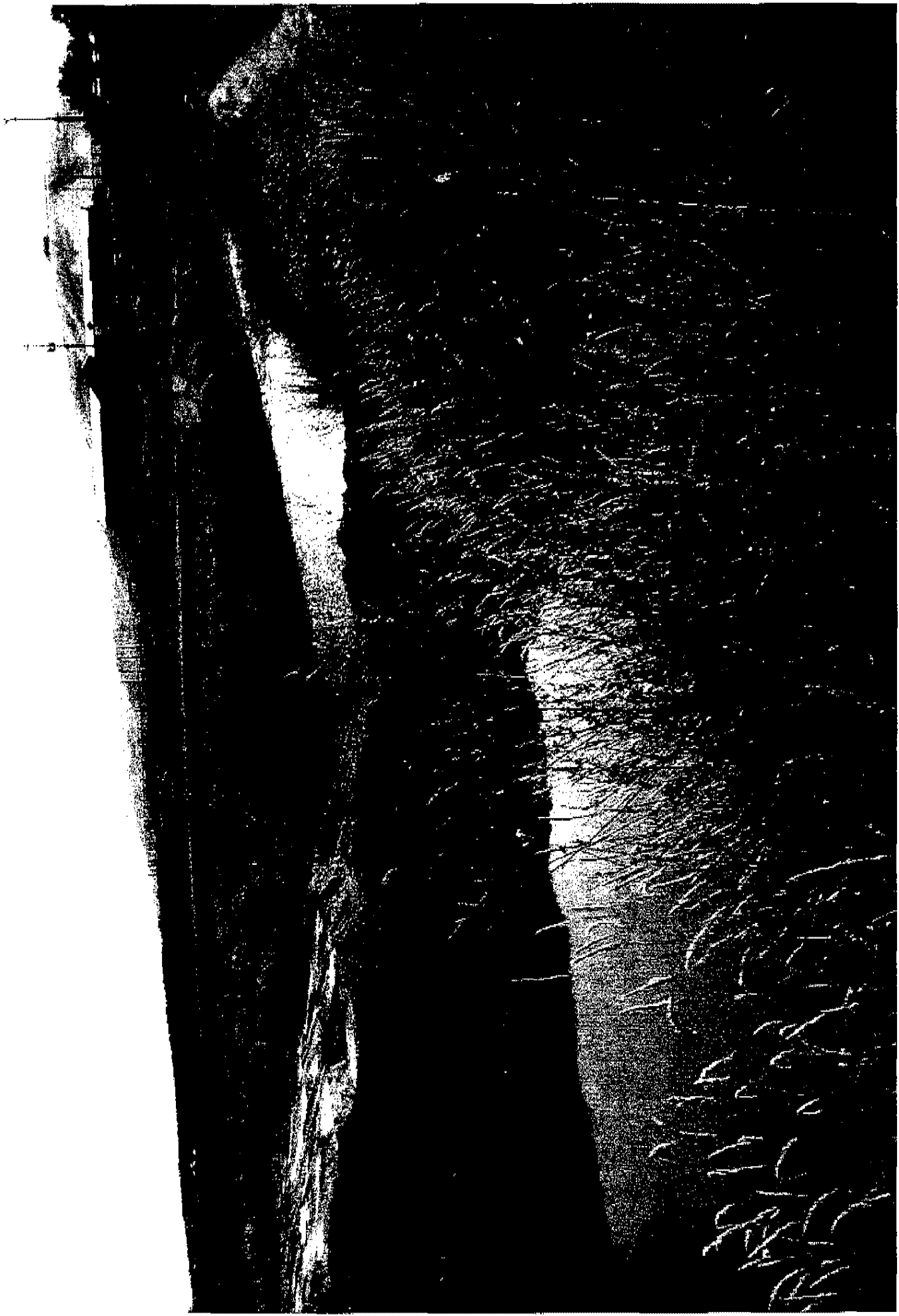


Exhibit # 0006 - Non-compacted Earth Dike



Exhibit # 0007 - H2O samples

From: (b) (6)
Sent: Thursday, August 01, 2013 9:16 AM
To: (b) (6)
Subject: FW: 0008.01 - - H2O Test results 8-26-13 // Sage Dairy continues to discharge into Sand Hollow Creek

I spoke w/ Marv Patton ISDA Bureau Chief – This AM. 08:13 – 08:53 - Thursday, August 01, 2013

I expressed my concern regarding the continual discharge into Sand Hollow creek and asked him for his help to stop the discharge.

- 1 – He is going to take more H2O samples though out Sand hollow creek till it dumps into the Payette River.
- 2 – He will be sending engineers to do topography records.

Direct Quotes from Marv:

- 1 – Trust me.. He was in violation
- 2 – It is well documented
- 3 – We will be citing the dairy
- 4 – I have to send engineers to do topography and continue H2O samples so that I can build / support our case.
- 5 – Some of the information that I have "received" will not be admissible in court.
- 6 – I can not give you any information on Jones via public records request due to ongoing investigation, but I can give you the H2O test on Kipper property (see separate email # 0009.

From: (b) (6)
Sent: Thursday, August 01, 2013 8:57 AM
To: 'Marv Patten'
Subject: FW: 0008 - - H2O Test results 8-26-13 // Sage Dairy continues to discharge into Sand Hollow Creek

Marv,

Thank you for your conversation this morning. Please find enclosed August 26 2013 H2O test, pictures noting the cross-contamination & Sand Hollow Stream Flow Alteration.

Also, per our phone conversation, would you please check into the historic well water & isotopic test which ISDA has completed since 1999 for Mr. Jones & (b) (6)

Thanks again for your help.

(b) (6)

Sorry – but no good news – See attached 8-26-13 test results)

Sage Dairy continues to discharge into Sand Hollow Creek

H2O going into SAGE DAIRY:

E. coli – 40.4
Coliform – 7269.9

H2O coming out of SAGE DAIRY:

E. coli – 2559.3

Coliform – > 241,960

Please also see attached Pictures # 4-7

1 - Non-compacted Earth Dike

2 – Dead Corn where the manure was previously discharged into.

(b)
(c)

From: (b) (6)
Sent: Monday, August 05, 2013 3:26 PM
To: 'Scott Dye'; 'Danielle Diamond'; 'Kathy Martin'
Subject: 0009 - - H2O Test results 8-2-13 // Sage Dairy continues to discharge into Sand Hollow Creek

Not good news again - - The H2O looked clean when we took the sample on 8-2-13
E. coli is 5 times greater coming out of SAGE CAFO
Coliform is 11 times greater.....

Date	Coliform	Coliform	Coliform	E.coli	E.coli	E.coli
	B4	After	% Change	B4	After	% Change
8/7/12	1300	2,420	1.86	30	770	25.66667
7/18/13	5794.3	248,900	42.96	95.9	5475	57.09072
7/26/13	7269.9	241,960	33.28	40.4	2559.6	63.35644
8/2/13	7379	82,627	11.20	90.9	456.4	5.020902

I still have not heard from EPA CID

Do you have a draft letter?

(b)

From: Radwin, Sandra - LABS [mailto:RadwinS@dhw.idaho.gov]
Sent: Monday, August 05, 2013 2:35 PM
To: (b) (6)
Subject: FW: Report

Sandra Radwin
Laboratory Certification Officer
Idaho Bureau of Laboratories
2220 Old Penitentiary Rd.
Boise, ID 83712
Phone: (208) 334-2235 ext. 256
Fax: (208) 334-4067
e-mail: RadwinS@DHW.Idaho.gov

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www.statelab.idaho.gov

August 5, 2013

Report To (b) (6)

Sample Submitted By Walk-in Client - Private

RE: Workorder E130800014 080213

Profile WA - Quanti Tray

Enclosed are the analytical results for sample(s) received by the laboratory on Friday, August 2, 2013. Results reported herein conform to the most current federal standards, where applicable, unless otherwise narrated in the body of the report.

If you have any questions concerning this report, please feel free to contact me.

Sincerely,

Ernie Bader

Enclosures

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Boise, Idaho 83712
Phone: (208)334-2235
www.statelab.idaho.gov

Workorder: E130800014 080213

SAMPLE SUMMARY

Lab ID	Sample ID	Matrix	Date Collected	Date Received
E130800014-001	EID canal b4 Jones CAFO	Water	8/2/2013 09:00	8/2/2013 15:57
E130800014-002	Sand Hol Cr. below Jones CAFO	Water	8/2/2013 09:00	8/2/2013 15:57

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PROJECT SUMMARY

Workorder Comments

Please e-mail results to (b) (6)

Sample Comments

Lab ID: E130800014-001	Sample ID: EID canal b4 Jones CAFO	Sample Type: SAMPLE
EID canal B4 entering Jones CAFO		
Lab ID: E130800014-002	Sample ID: Sand Hol Cr. below Jones CAFO	Sample Type: SAMPLE
below Jones CAFO		

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Boise, Idaho 83712
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www.stetelab.idaho.gov

Workorder: E130800014 080213

ANALYTICAL RESULTS

Chemistry samples are disposed of after 60 days unless the laboratory is notified otherwise.

Lab ID: E130800014-001 Date Received: 8/2/2013 15:57 Matrix: Water
Sample EID canal b4 Jones CAFO Date Collected: 8/2/2013 09:00
Location: Sandy Lane

-- Microbiological --

Parameters	Results	Units	Analyzed	By	Qual
Preparation Method: SM 9223B-QT-CT					
Analytical Method: SM 9223B-QT-CT					
Total Coliform	7,379	MPN/100mL	8/2/2013	SR	
<i>E. coli</i>	90.9	MPN/100mL	8/2/2013	SR	

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Workorder: E130800014 080213

ANALYTICAL RESULTS

Chemistry samples are disposed of after 60 days unless the laboratory is notified otherwise.

Lab ID: E130800014-002 Date Received: 8/2/2013 15:57 Matrix: Water
Sample Sand Hol Cr. below Jones Date Collected: 8/2/2013 09:00
CAFO
Location: Sand Hollow Creek

-- Microbiological --

Parameters	Results	Units	Analyzed	By	Qual
Preparation Method: SM 9223B-QT-CT					
Analytical Method: SM 9223B-QT-CT					
Total Coliform	82,627	MPN/100mL	8/2/2013	SR	
<i>E. coli</i>	456.4	MPN/100mL	8/2/2013	SR	

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